

ORIGINAL

United States Court of Federal Claims

No. 16-490 C

Filed: May 5, 2016

FILED

MAY - 5 2016

U.S. COURT OF  
FEDERAL CLAIMS

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ANTHONY MOORE, )  
Plaintiff, )  
v. )  
UNITED STATES OF AMERICA, )  
Defendant. )  
\_\_\_\_\_  
)

ORDER

Plaintiff is incarcerated in a federal prison in Florida. He brings this action as a result of several disputes with prison authorities regarding medical issues that the authorities allegedly handled with “deliberate indifference.” Plaintiff seeks damages totaling \$500,000. Mr. Moore also requests that counsel be appointed to represent him, and that he be permitted to proceed *in forma pauperis*.

This court’s primary jurisdictional statute is the Tucker Act, 28 U.S.C. § 1491. The Tucker Act states in part, “[t]he United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.” *Id.*

As plaintiff’s Complaint alleges actions by prison officials that sound in tort, and his allegations otherwise cannot be brought under the provisions of the Tucker Act, this court does not have jurisdiction to consider it. We **GRANT** plaintiff’s motion to file *in forma pauperis*, and direct the Clerk of Court to dismiss his Complaint for lack of subject matter jurisdiction. Plaintiff’s Complaint is **DISMISSED**.

SO ORDERED.



Robert H. Hodges, Jr.  
Judge